

Magistrate Judge Benton

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AT SEATTLE
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WESTERN DISTRICT OF WASHINGTON DEPUTY
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04-CR-00334-M

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

KYLE GIANIS,

Defendant.

NO. CR04-0334C

MOTION FOR DETENTION
ORDER

The United States moves for pretrial detention of the defendant, pursuant to
18 U.S.C. § 3142(e) and (f)

1. Eligibility of Case. This case is eligible for a detention order because this
case involves (check all that apply):

- ☐ Crime of violence (18 U.S.C. § 3156)
- ☐ Crime of Terrorism (18 U.S.C. § 2332b(g)(5)(B)) with a maximum sentence of ten years or more
- ☐ Crime with a maximum sentence of life imprisonment or death
- ☒ Drug offense with a maximum sentence of ten years or more
- ☐ Felony offense and defendant has two prior convictions in the four categories above, or two State convictions that would otherwise fall within these four categories if federal jurisdiction had existed.
- ☐ Felony offense involving a minor victim other than a crime of violence

— Felony offense, other than a crime of violence, involving possession or use of a firearm, destructive device (as those terms are defined in 18 U.S.C. § 921), or any other dangerous weapon

— Felony offense other than a crime of violence that involves a failure to register as a Sex Offender (18 U.S.C. § 2250)

X Serious risk the defendant will flee

— Serious risk of obstruction of justice, including intimidation of a prospective witness or juror

2. Reason for Detention. The Court should detain defendant because there are no conditions of release which will reasonably assure (check one or both):

X Defendant's appearance as required

X Safety of any other person and the community

3. Rebuttable Presumption. The United States will invoke the rebuttable presumption against defendant under § 3142(e). The presumption applies because:

— Probable cause to believe defendant committed offense within five years of release following conviction for a "qualifying offense" committed while on pretrial release.

X Probable cause to believe defendant committed drug offense with a maximum sentence of ten years or more

— Probable cause to believe defendant committed a violation of one of the following offenses: 18 U.S.C. §§ 924(c), 956 (conspiracy to murder or kidnap), 2332b (act of terrorism), 2332b(g)(5)(B) (crime of terrorism)

— Probable cause to believe defendant committed an offense involving a victim under the age of 18 under 18 U.S.C. §§ 1591, 2241, 2242, 2244(a)(1), 2245, 2251, 2251A, 2252(a)(1) through 2252(a)(3), 2252A(a)(1) through 2252A(a)(4), 2260, 2421, 2422, 2423 or 2425.

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1 4. Time for Detention Hearing. The United States requests the Court conduct
2 the detention hearing:

3 ___ At the initial appearance

4 X After continuance of 3 days (not more than 3)

5 5. Other matters

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7 DATED this 1st day of February, 2008.

8 Respectfully submitted,

9 JEFFREY C. SULLIVAN
10 United States Attorney

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12 VINCENT T. LOMBARDI
13 Assistant United States Attorney